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7 Attorneys for Plaintiffs

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 WILLIAM SLACK, HARRY
13 STROCK, and EDWARD
14 CHAMPA Individually and on
behalf of others similarly situated,

15 Plaintiffs,

16 vs.

17 PARBALL NEWCO LLC dba
BALLY'S, PARBALL CORP.,
18 PARBALL LLC, PHWLTV, LLC dba
PLANET HOLLYWOOD LAS
19 VEGAS RESORT AND CASINO,
and "JOHN DOE
20 CORPORATIONS" 1 to 50, name
fictitious, actual name and number
21 unknown,

22 Defendants.

Case No. 2:16-cv-02324-KJD-CWH

STIPULATION AND ORDER TO
MODIFY AND EXTEND DEADLINES IN
DISCOVERY PLAN AND SCHEDULING
ORDER
(FIRST REQUEST)

23 The parties, by and through their counsel of record, hereby stipulate and
24 agree to the following:

25 1. The parties' Joint Discovery Plan and Scheduling Order was entered
26 by the Court on April 7, 2017. ECF No. 51.

27 2. The parties request that the Court enter an order extending the
28 remaining deadlines by 30 days, including the deadlines for expert disclosures,

1 rebuttal expert disclosures, dispositive motions, class certification and
2 decertification motions, and discovery.

3 DISCOVERY COMPLETED

4 3. Since the discovery period opened, the parties have exchanged written
5 discovery requests and responses. The plaintiffs have served four sets of requests
6 for the production of documents and five sets of interrogatories. Defendants have d
7 responded to all written discovery, except plaintiffs' Fifth Set of Interrogatories for
8 which the deadline to respond is December 29, 2017.

9 Defendants have served one set of requests for the production of documents
10 and one set of interrogatories on each of the 83 plaintiffs who have submitted a
11 consent to join this lawsuit. The named plaintiffs have responded to defendants'
12 discovery requests; however, none of the opt-in plaintiffs have served responses.
13 Defendants have also noticed the depositions of three opt-in plaintiffs. The opt-in
14 plaintiffs refused to appear for deposition. In July and September 2017, defendants
15 filed motions to compel written discovery responses and depositions. The motions
16 are fully briefed and pending before the Court. *See* ECF Nos. 53, 62.

17 DISCOVERY THAT REMAINS TO BE COMPLETED

18 4. The deadline for defendants to respond to plaintiffs' Fifth Set of
19 Interrogatories is December 29, 2017. Plaintiffs' counsel has been conferring in
20 writing and via phone with defendants' counsel over the last two months regarding
21 defendants' responses to certain of plaintiffs' prior discovery requests. Plaintiffs
22 anticipate having to file a motion to compel proper discovery responses in the near
23 future if the parties are unable to resolve their ongoing discovery dispute. Plaintiffs
24 also anticipate that additional written discovery requests may be required once the
25 parties or the Court resolves the ongoing discovery disputes. Finally, plaintiffs
26 anticipate noticing depositions of defendants, including a Fed. R. Civ. P. 30(b)(6)
27 deposition.
28

1 5. Defendants intend to take the three opt-in plaintiff depositions they
2 have already noticed, subject to the ruling of the Court on their motion to compel
3 these depositions. Defendants reserve the right to take up to an additional seven
4 opt-in plaintiff depositions. And defendants have previously reserved the right to
5 take the depositions of all trial witnesses whose deposition has not previously been
6 taken in the litigation.

7 **WHY THE DEADLINES SHOULD BE EXTENDED**

8 6. Because of plaintiffs' perceived deficiencies in defendants' responses
9 to their written discovery requests, plaintiffs believe they do not have the materials
10 necessary for an expert to conduct a proper analysis in this matter. Plaintiffs have
11 also been denied discovery pertaining to the absent members of the Rule 23 class,
12 and defendants have only provided discovery pertaining to the 83 persons who have
13 submitted consents to join the FLSA action. Accordingly, plaintiffs believe that no
14 expert report can be furnished as to the damages for the entire Rule 23 class without
15 defendants producing materials for all Rule 23 class members.

16 7. Decisions on defendants' motions to compel discovery will affect the
17 timing of further discovery. Defendants do not oppose plaintiffs' request to extend
18 the deadlines in this action.

19 **PROPOSED SCHEDULE**

20 8. The parties propose the following extended schedule:

21

22 EVENT	CURRENT DEADLINE	NEW DEADLINE
23 Discovery Cut-Off Date	February 28, 2018	March 30, 2018
24 Expert Disclosures	December 22, 2017	January 22, 2018
25 Rebuttal Expert	January 19, 2018	February 19, 2018
26 Disclosures		

27
28

Dispositive Motions	March 30, 2018	April 30, 2018 ¹
Motions for Class Certification	April 19, 2018	May 21, 2018

9. This is the parties' first request to extend the foregoing deadlines. The parties believe such extensions are necessary to allow the parties to properly complete discovery, including depositions and expert disclosures. Accordingly, such request to extend the deadlines is made in good faith and not for the purpose of delay.

Date: December 1, 2017

Leon Greenberg Prof. Corp.
By: /s/ Leon Greenberg
Leon Greenberg
Dana Sniegocki
Attorneys for plaintiffs

Date: December 1, 2017

AKIN GUMP STRAUSS HAUSER
& FELD, LLP
/s/ Joel M. Cohn
Joel M. Cohn
Allison S. Papadopoulos
Attorneys for defendants

IT IS SO ORDERED.



United States Magistrate Judge

December 4, 2017

Date

¹ The parties agree that if a motion for class certification has been filed but not yet decided, the deadline for filing dispositive motions will be 45 days after the Rule 23 motion is decided.